Remarks

Applicants respectfully request reconsideration of the application in view of the foregoing amendments and following remarks. Claims 3-8, 10, 14, 15, 17, 18, 23-26 and 28-37 are rejected.

No claims have been canceled. Claims 38-40 have been added. Claims 3-8, 10, 14, 15, 17, 18, 23-26 and 28-40 are now pending in the application.

The rejections are traversed to preserve future prosecution rights. Various amendments herein are made for editorial purposes and not in response to the art.

Claim Amendments

Claims 10, 15, 23, 28, 29 and 37 have been amended to delete the word "globally" from the phrase "globally unique identifier."

Claims 23, 28 and 34-36 have been amended to clarify that steps of the respective claims are performed in a computer system. Exemplary support for these amendments can be found in the application at page 15.

Claim 28 has further been amended to clarify that "the icon data comprises at least one icon that visually represents the software application in a graphical user interface." Exemplary support for this amendment can be found in the application at page 13 and Figure 7.

Claim 29 has further been amended to delete an unnecessary repetition of the word "sent" from the claim.

Claim 37 has further been amended to clarify that the recited computer-readable medium is "not consisting of a signal" and comprises "computer-executable instructions" for performing the recited steps. Exemplary support for these amendments can be found in the application at page 16. Claim 37 has further been amended to clarify that the recited executable file is "for the software application" and that the recited "graphical icon data" is "for one or more icons associated with the software application." Exemplary support for these amendments can be found in the application at pages 8-10 and Figure 4. Claim 37 has further been amended to clarify that the recited hashing algorithm is applied to "an application specific binary data block from a subset of the graphical icon data," and that "the subset of the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface." Exemplary support for these amendments can be found in the application at pages 8-

10 and 13 and Figures 3, 4 and 7. Claim 37 has further been amended to clarify that the recited metadata request comprises the unique identifier. Exemplary support for this amendment can be found in the application at page 13. Claim 37 has further been amended to delete the phrase "wherein the application type is game, and wherein the metadata service is a games metadata service." This deleted language appears in new claim 38.

Accordingly, no new matter is added thereby.

Claim Rejection under 35 U.S.C. § 112

Claim 37 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. At page 2 the Action states that the rejection is "due to the combining of two different statutory classes of invention in a single claim." Applicants respectfully disagree. However, claim 37 has been amended to expedite prosecution, clarifying that the recited computer-readable medium comprises "computer-executable instructions" for performing the recited steps. Applicants respectfully request that this rejection be withdrawn.

Claim Rejection under 35 U.S.C. § 101

Pending claims 3-8, 10, 14, 15, 17, 18, 23-26 and 28-36 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicants respectfully disagree. However, claims 23, 28 and 34-36 have been amended to expedite prosecution, clarifying that steps recited in the respective claims are performed "in the computer system." Claims 3-8, 10, 14, 15, 17, 18 and 24-26 depend directly or indirectly from amended claim 23, and claims 29-36 depend from claim 28. Applicants respectfully request that this rejection be withdrawn.

Cited Art

The Action cites:

Meyer et al., U.S. Patent Publication No. 2001/0031066 ("Meyer");

Fredlund et al., U.S. Patent No. 6,111,950 ("Fredlund");

Both, U.S. Patent No. 7,412,449 ("Both");

Palliyll et al., U.S. Patent Publication No. 2005/0131900 ("Palliyll"); and

Yau et al., U.S. Patent Publication No. 2002/0066026 ("Yau").

Claim Rejections under 35 U.S.C. § 103

Claims 6-8, 10, 14, 15, 17, 18 and 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Fredlund, Both and Palliyll. Claims 3-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Fredlund, Both, Palliyll and Official Notice. Claims 28-30 and 32-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Fredlund, Both, Palliyll and Yau. Claim 31 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Meyer in view of Fredlund, Both, Palliyll, Yau and Official Notice. Applicants respectfully disagree, but have amended some claims to expedite prosecution.

Claim 23

Claim 23 recites in part:

in the computer system, generating a first application identifier for a software application, wherein generating the first application identifier comprises generating a hash value with a hashing algorithm applied to distinct application data comprising a combination of at least a portion of the graphical icon data of the software application and the name of the executable file for the software application, wherein the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface and less than all graphical icon data for the application is used for generating the hash value;

in the computer system, sending a query for a unique identifier for the software application to the database, the query comprising the first application identifier;

in the computer system, receiving a response to the query from the database, wherein the response comprises the unique identifier for the software application, and wherein the unique identifier differs from the first identifier ....

The above-cited language of claim 23 is not taught or suggested by Meyer, Fredlund, Both, and Palliyll, alone or in combination.

The "graphical icon data" recited in claim 23 is not "non-functional descriptive data." At page 8 the Action states, "Note that the term 'icon' in the claim limits is non-functional descriptive language, and does not change the functional operation of the method or system." Applicants respectfully disagree. As recited in claim 23, "the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface." Therefore, the "graphical icon data" recited in claim 23 is not "non-functional

descriptive data."

> Fredlund's description of "creating a unique signature for each *image* from the *data of the image*" does not teach or suggest "generating a hash value with a hashing algorithm applied to distinct application data comprising a combination of at least a portion of the graphical icon data of the software application, wherein the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface." At page 8 the Action states, "Fredlund et al. teaches a hashing function applied to distinct application data comprising a combination of at least the graphical icon data of the software application (hashing signature created from the image data or files …)." Although Fredlund mentions, for example, "creating a unique signature for each *image* from the *data of the image*" (see Fredlund at Abstract) in order to ensure that an application is limited to interacting with only certain images (see Fredlund at column 2, lines 45-57), such image data does not teach or suggest, for example, "wherein the graphical icon data comprises *at least one icon that visually represents the software application in a graphical user interface*," as recited in claim 23 (emphasis added).

> Meyer, Fredlund and Both do not teach or suggest "receiving a response to the query from the database, wherein the response comprises the unique identifier for the software application, and wherein the unique identifier differs from the first identifier." At page 9 the Action states, "Meyer et al. and Fredlund et al. [do] not indicate … sending a query for a globally unique identifier for the software application to the database, the query comprising the first application identifier and receiving a response to the query from the database, wherein the response comprises the globally unique identifier for the software application, and wherein the globally unique identifier differs from the first identifier." The Action cites Both as teaching "a method of hashing the name of the executable file for the software application … and displaying information from the response in a graphical user interface," but the Action does not assert that such a teaching, if present, would cure the above-cited deficiency of Meyer and Fredlund.

> The deficiencies of Meyer, Fredlund and Both are not cured by Palliyll's description of "a Globally Unique Identifier." At page 9 the Action cites paragraphs 0213-0216 of Palliyll as allegedly teaching "sending a query for a globally unique identifier for the software application to the database, the query comprising the first application identifier and receiving a

response to the query from the database, wherein the response comprises the globally unique identifier for the software application, and wherein the globally unique identifier differs from the first identifier." Palliyll mentions at paragraph 0216 that "a longer hash value can be used as a Globally Unique Identifier for purposes such as smart hyperlinks or optimizing data transfer across low bandwidth channels." However, despite the fact that Palliyll mentions "a Globally Unique Identifier," Palliyll fails to teach, for example, that a response is received from a database, where the response comprises a unique identifier for the software application *and the unique identifier differs from the first identifier*.

The above-cited language of claim 23 is not taught or suggested by Meyer, Fredlund, Both, and Palliyll, alone or in combination. Accordingly, the rejections of claim 23 and its dependent claims, 3-8, 10, 14, 15, 17, 18 and 24-26 should be withdrawn.

Claim 28

Claim 28 recites in part:

> in the computer system, obtaining application data specific to a software application on the computer system, the application data comprising icon data, wherein the icon data comprises at least one icon that visually represents the software application in a graphical user interface;
> in the computer system, calculating a first value for the application based at least in part on the icon data, wherein calculating the first value comprises applying a hashing algorithm to at least the icon data, and wherein the first value is a hash value;
> in the computer system, sending the first value in a database query to a database;
> in the computer system, in response to the database query, receiving one or more responses from the database;
> in the computer system, obtaining from the one or more responses a unique identifier for the application, wherein the unique identifier differs from the first value;
> in the computer system, sending the unique identifier in a metadata request; and
> in the computer system, in response to the metadata request, receiving metadata associated with the application.

The above-cited language of claim 28 is not taught or suggested by Meyer, Fredlund, Both, Palliyll, and Yau, alone or in combination.

Claim 28 recites language not found in claim 8, so the rationale given for claim 8 is

not sufficient to reject claim 28. Page 16 of the Action states, "All of the limits of Claim 28 have been previously addressed in Claim 8, and is therefore rejected using the same prior art and rationale." Applicants respectfully disagree. Claim 8 (and claims 23 and 7, from which claim 8 depends) do not recite, for example, "sending the unique identifier in a metadata request," as recited in claim 28. Accordingly, the reasons given in the rejection of claim 8 do not fully support a rejection of claim 28.

In addition, although claim 28 stands on its own merits, many of the arguments recited above with respect to the patentability of claim 23 also can be applied to language in claim 28. For example, Fredlund's description of "creating a unique signature for each *image* from the *data of the image*" does not teach or suggest "applying a hashing algorithm to at least the icon data" where "the icon data comprises at least one icon that visually represents the software application in a graphical user interface," as recited in claim 28. As another example, Meyer, Fredlund and Both do not teach or suggest "obtaining from the one or more responses a unique identifier for the application, wherein the unique identifier differs from the first value," as recited in claim 28, and the deficiencies of Meyer, Fredlund and Both with respect to claim 28 are not cured by Palliyll's description of "a Globally Unique Identifier."

Furthermore, the deficiencies of Meyer, Fredlund and Both are not cured by Yau's description of metadata and "a Globally Unique Identifier." At page 15 the Action cites paragraph 0046 of Yau as allegedly teaching "sending the globally unique identifier in a metadata request; and in response to the metadata request, receiving metadata associated with the application." Yau states at paragraph 0046, "The client or server executing the Client GET method waits for the remote module to establish a connection (step 301) and request data (step 302) by exchanging metadata, such as a Globally Unique Identifier (or GUID), or some equivalent token that denotes the desired data." However, despite the fact that Yau mentions "exchanging metadata" and "a Globally Unique Identifier," Yau fails to teach, for example, "obtaining from the one or more responses a unique identifier for the application, *wherein the unique identifier differs from the first value*," as recited in claim 28.

The above-cited language of claim 28 is not taught or suggested by Meyer, Fredlund, Both, Palliyll, and Yau, alone or in combination. Accordingly, the rejection of claim 28 and its dependent claims, 29-36, should be withdrawn.

Claim 37

Claim 37 recites in part:

> computer-executable instructions for generating a first application
> identifier for the software application, the software application comprising a
> plurality of files on the computer system, the files comprising at least an
> executable file for the software application and graphical icon data for one or
> more icons associated with the software application, the executable file having a
> name, wherein generating the first application identifier comprises generating a
> hash value with a hashing algorithm applied to an application-specific binary data
> block formed from a subset of the graphical icon data for one or more icons
> associated with the software application and the name of the executable file for
> the software application, and wherein the subset of the graphical icon data
> comprises at least one icon that visually represents the software application in a
> graphical user interface;
>
> computer-executable instructions for sending a query for a unique
> identifier for the software application to the database, the query comprising the
> first application identifier;
>
> computer-executable instructions for receiving a response to the query
> from the database, wherein the response comprises an indication of whether the
> software application is of a particular application type and the unique identifier
> for the software application, and wherein the unique identifier differs from the
> first identifier;

The above-cited language of claim 37 is not taught or suggested by Meyer, Fredlund, Both,

Palliyll, and Yau, alone or in combination.

**Claim 37 recites language not found in claims 23, 28, and 29, so the rationale given
for claims 23, 28, and 29 is not sufficient to reject claim 37.** Page 17 of the Action states, "All

of the limits of Claim 37 have been previously addressed in Claim 23, 28 and 29, and is therefore

rejected using the same prior art and rationale." Applicants respectfully disagree. Claims 23, 28,

and 29 do not recite, for example, **"the response comprises an indication of whether the

software application is of a particular application type"** or "displaying information from the

response to the query from the database along with the metadata received in response to the

metadata request in a window of the graphical user interface along with information for one or

more other software applications of the particular application type." Accordingly, the reasons

given in the rejection of claims 23, 28, and 29 do not fully support a rejection of claim 37.

In addition, although claim 37 stands on its own merits, many of the arguments recited

above with respect to the patentability of claims 23 and 28 also can be applied to language in

claim 37. For example, Fredlund's description of "creating a unique signature for each *image from the data of the image*" does not teach or suggest "generating a hash value with a hashing algorithm applied to an application-specific binary data block formed from a subset of the graphical icon data for one or more icons associated with the software application and the name of the executable file for the software application" where "the subset of the graphical icon data comprises at least one icon that visually represents the software application in a graphical user interface," as recited in claim 37. As another example, Meyer, Fredlund and Both do not teach or suggest "receiving a response to the query from the database, wherein the response comprises an indication of whether the software application is of a particular application type and the unique identifier for the software application, and wherein the unique identifier differs from the first identifier," as recited in claim 37, and the deficiencies of Meyer, Fredlund and Both are not cured by Palliyll's description of "a Globally Unique Identifier" or Yau's description of metadata and "a Globally Unique Identifier."

The above-cited language of claim 37 is not taught or suggested by Meyer, Fredlund, Both, Palliyll, and Yau, alone or in combination. Accordingly, the rejection of claim 37 should be withdrawn.

New Claims

Applicants have added new claims 38-40, which depend from claim 37. The new claims are allowable for at least the reasons given above for claim 37.

Claim 38 includes language taken from claim 37. Claim 39 recites in part, "wherein the window of the graphical user interface is part of a gaming activity center" and "computer-executable instructions for determining whether to add the software application to a list of games in the gaming activity center based on the indication of whether the software application is of the particular application type." Exemplary support for this language can be found in the original specification at page 11 and Figure 7. Claim 40 recites in part, "computer-executable instructions for receiving a second response to the query from the database, wherein the second response comprises an indication that no match for the first application identifier was found in the database" and "computer-executable instructions for performing a manual search of the database responsive to the indication that no match for the first application identifier was found in the database." Exemplary support for this language can be found in the original specification

at page 14 and Figure 8B.

Accordingly, no new matter is added in the new claims.

Dependent Claims

In the interest of brevity, Applicant does not argue the language of all individual dependent claims, other than to point out that each recites a patentably distinct, novel, and non-obvious combination that stands on its own merits in addition to the reasons given for the independent claims.

Claim Interpretation

Applicants acknowledge the Examiner's statements on interpretation of certain language in the claims, including: language the Examiner regards as statements of intended use. The Examiner alleges, for example, that some language in the claims should not be considered to be a positive limitation of the claim.

In the interest of brevity and in view of the foregoing amendments, some claim language interpreted by the Examiner is not addressed in these Remarks. For example, some language interpreted by the Examiner is not addressed because it has been deleted or amended for editorial reasons. Any lack of a direct response to claim interpretations made by the Examiner should not be considered to indicate a waiver or stipulation as to the Examiner's claim interpretations.

Interview Request

If any issues remain, the Examiner is requested to contact the undersigned attorney by telephone for resolution.
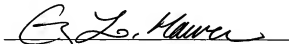
Conclusion

The claims stand ready for allowance. Such action is respectfully requested.

Respectfully submitted,

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